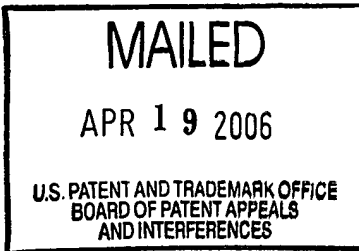


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte VINCENZO SCOTTO DI CARLO  
and  
EGON SCHULZ

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Application 09/538,792

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on April 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) indicates that the Appeal Brief filed July 20, 2005, states that "[c]laims 1-14 are rejected and are under appeal. No claims were cancelled" (page 2, Status of Claims). The Examiner's Answer

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mailed October 5, 2005, states that "[t]he statement of the status of claims contained in the brief is correct" (page 2, "Status of Claims"). However, the "Grounds of Rejection" appearing on page 3 of the Examiner's Answer is listed as follows:

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al., Patent #6,333,973.

Clarification is required regarding the status of claims 13 and 14.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) clarification regarding the status of claims 13 and 14.

2) if necessary, to issue a revised Examiner's Answer which corrects the "Status of Claims" and the "Grounds of Rejection";

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3) for written notification to appellants regarding  
the action taken; and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW  
Program and Resource Administrator  
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DMS/psb

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